

Application No. 10/816004 (Docket: CNTR.2216)  
37 CFR 1.111 Amendment dated 10/24/2006  
Reply to Office Action of 09/28/2006

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**REMARKS/ARGUMENTS**

In the Office Action, the Examiner noted that claims 1-20 are pending in the application. The Examiner additionally stated that claims 1-4, 9-11, 15-18, and 20 are rejected and that claims 5-8, 12-14, and 19 are objected to. By this amendment, claims 3-4, 11, and 16 have been cancelled and claims 1, 5-6, 10, 12, 15, and 17-18 have been amended. Hence, claims 1-2, 5-10, 12-15, and 17-20 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

**In the Specification**

The Examiner objected to the disclosure because paragraph 2 does not contain the serial number of the copending application. In response, Applicant has amended the specification to include the required serial number and asks that the objection be withdrawn.

In addition, Applicant has amended the specification to secure a substantial correspondence between the claims amended herein and the remainder of the specification. No new matter is presented.

**In the Claims**

**Double Patenting Rejections**

The Examiner issued provisional rejections of claims 1-4, 10-11, 15-18, and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending application No. 10/816020 (Docket: CNTR.2207), filed on 04/01/2004, in view of US Patent No 6836849 to Brock et al (Brock).

By this amendment, claims 3-4, 11, and 16 have been cancelled, thereby rendering the Examiner's rejections moot.

With regard to claims 1-2, 10, 15, 17-18, and 20, Applicant provides herewith a terminal disclaimer to obviate a provisional double patenting rejection over a pending "reference" application that disclaims, except as provided therein, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the

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expiration date of the full statutory term of any patent granted on pending reference Application Number 10/816020 (Docket: CNTR.2207), filed on 04/01/2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application.

Accordingly, Applicant respectfully requests that the examiner withdraw the rejections of claims 1-2, 10, 15, 17-18, and 20.

#### **Allowable Subject Matter**

The Examiner objected to claims 4-8, 11-14, and 16-20 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and amended or disclaimed to overcome the double patenting rejections set forth above.

Applicant appreciates the Examiner's consideration and indications of allowability of these claims. By this amendment, the allowable limitations of claim 4 (and intervening claim 3) have been incorporated into the language of claim 1, the allowable limitations of claim 11 have been incorporated into the language of claim 10, and the allowable limitations of claim 16 have been incorporated into the language of claim 15. Claims 3-4, 11, and 16 have been cancelled and those claims depending from claims 3-4, 11, and 16 have been amended to now depend from claims 1, 10, and 15, as appropriate.

#### **Rejections Under 35 U.S.C. §103(a)**

The Examiner rejected claims 1, 9, and 15 under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6259293 to Hayase et al. (Hayase) in view of Applicant's Admitted Prior Art (AAPA) and Brock.. Applicant respectfully traverses and notes that the allowable limitations of claims 3-4 have been incorporated into the language of claim 1 and the allowable limitations of claim 16 have been incorporated into the language of claim 15, thus rendering claims 1 and 15 allowable over the prior art of record. It is accordingly requested that the rejections of claims 1 and 15 be withdrawn.

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With respect to claim 9, this claim depends from claim 1 and adds further limitations that are neither anticipated nor made obvious by Hayase, the AAPA, Brock, or any combination thereof. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 9.

The Examiner rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Hayase in view of AAPA, Brock, and US Patent No 6448834 to Takaki. Applicant respectfully traverses and notes that the allowable limitations of claims 3-4 have been incorporated into the language of claim 1 rendering claims 1 allowable over the prior art of record. And since claim 2 depends from claim 1 and adds further limitations over that subject matter which has been indicated as being allowable, it is requested that the rejection of claim 2 be withdrawn.

The Examiner rejected claims 3 and 10 under 35 U.S.C. 103(a) as being unpatentable over Hayase in view of AAPA, Brock, and US Patent No 7019577 to Agrawal et al. (Agrawal). Applicant respectfully traverses and notes that the allowable limitations of claims 3-4 have been incorporated into the language of claim 1 and the allowable limitations of claim 11 have been incorporated into the language of claim 10, thus rendering claims 1 and 10 allowable over the prior art of record. Claim 3 depends from claim 1 and adds further limitations over that subject matter which has been indicated as being allowable. Accordingly, Applicant requests that the rejections of claims 3 and 10 be withdrawn.

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CONCLUSIONS

In view of the arguments advance above, Applicant respectfully submits that claims 1-2, 5-10, 12-15, and 17-20 are in condition for allowance. Reconsideration of the rejections is requested, and allowance of the claims is solicited.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date of signature shown below.

Respectfully submitted,  
**HUFFMAN PATENT GROUP, LLC**

*/Richard K. Huffman/*

By: \_\_\_\_\_

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*10/23/2006*

Date: \_\_\_\_\_